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Section II: REMARKS

It is respectfully requested that the changes as noted above in Section I be made to the present application.

In the above identified Office Action, the elected claims 1-25 and 33 were rejected. Applicant notes that non-elected claims 26-32 and 34 have been withdrawn from current consideration and applicant reserves the right to file a Divisional Application for consideration of the non-elected claims.

The Examiner's withdrawing of prior objections and rejections in view of applicant's previously filed amendment has been noted with appreciation.

In the Office Action mailed 12/10/2008, claims 1-12 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,456,938 to Barnard (herein referred to as "Barnard"), claims 13-25 were rejected under 35 USC 103(a) over Barnard in view of Irish et al (US Patent 6,691,032, herein referred to as "Irish"), and claim 21 was rejected "at least because it depends from a rejected claim".

The above-noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claim in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended several of the claims for clarification purposes only, to place all of the

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rejected claims in condition for allowance and/or in better condition for an appeal.

More specifically, it is noted that in the rejection of claim 1, the Examiner alleges that the "vertex" points of Barnard are equivalent to what the applicant claims as "geometric shapes". However, it is submitted that the vertex points of Barnard are just points and are not, and do not even suggest, areas. Barnard uses a series of the GPS vertex points to define boundary of a feature on a golf course. **The shape of the vertex points themselves do not represent an area but rather only a certain characteristic of the point such as the confidence level in the respective accuracy of the point** (Barnard, column 13, line 42 et seq.). Applicant selects a geometric shape to represent an approximation of a selected specific area and then provides means for adjusting the relative size of the selected geometric shape to fine-tune the fit whereas Barnard takes a plurality of GPS readings to define a feature on a golf course. In Barnard, there is not even a suggestion that the shape of each vertex point defines any area at all for any reason within the shaped graphic representation of a vertex point itself.

In order to even further clarify this distinction, the only independent claims 1 and 33 have herein been amended to recite "said method being effective for defining one or more differently shaped specific land areas of user-selectable predetermined geometric area configurations within a larger overall land area" (see applicant's Figure 4), and also "said desired geometric shape being used to establish a perimeter surrounding one of one of said specific land areas". The added clarifying language is submitted to clearly distinguish claims 1 and 33 from the Barnard

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reference. Barnard neither discloses nor suggests anything that would correspond to the predetermined geometric area configurations disclosed and claimed by the applicant.

Further, applicant has herein amended claim 2 to recite "enabling a user to input specific parameters with regard to said desired geometric shape, said specific parameters being used to establish a relative size of said desired geometric shape within said larger overall land area". There is nothing in the Barnard reference that would enable a user to input a parameter (such as, for example, the desired diameter of a circle) which would establish the relative size of the predetermined geometric shape within a larger overall land area. This sizing feature is not shown or even suggested by Barnard. Thus the allowance of claim 2 is evident either as a dependent claim from claim 1 and also if written as an independent claim separate from claim 1.

Thus, for at least the reasons stated above, it is believed that claims 1-12 are allowable under 35 USC 103(a) over Barnard.

Further, since Irish also does not disclose the predetermined geometric shape selection or the enablement of user-sizing of the selected shape as recited in the claim 1 methodology as herein amended, it is believed that claims 13-25, which ultimately depend from and include all of the limitations of claim 1 in addition to the even further limitations set out in the dependent claims themselves, are also allowable under 35 USC 103(a) over Barnard even in further view of Irish.

Still further, since claim 33 has herein been amended to contain the clarifications included in claims 1 and 2, it is submitted